

# **Exhibit 1**

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Attorneys for Defendants  
UBER TECHNOLOGIES, INC.  
and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

WAYMO LLC,  
  
Plaintiff,  
  
v.  
  
UBER TECHNOLOGIES, INC.,  
OTTOMOTTO LLC; OTTO TRUCKING LLC,  
  
Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS UBER  
TECHNOLOGIES, INC. AND  
OTTOMOTTO LLC’S RESPONSES TO  
WAYMO’S FIRST SET OF  
EXPEDITED INTERROGATORIES  
PURSUANT TO PARAGRAPH SIX OF  
THE MAY 11, 2017 PRELIMINARY  
INJUNCTION ORDER (NOS. 1-9)**

Trial Date: October 2, 2017

1 In accordance with Rule 34 of the Federal Rules of Civil Procedure, Defendants Uber  
2 Technologies, Inc. and Ottomotto LLC (collectively “Defendants”) object and respond to Plaintiff  
3 Waymo LLC’s First Set of Expedited Interrogatories, served on May 22, 2017.

4 **GENERAL OBJECTIONS**

5 Defendants make the following general responses and objections (“General Objections”)  
6 to each definition, instruction, and request propounded in Waymo’s Interrogatories. These  
7 General Objections are hereby incorporated into each specific response. The assertion of the  
8 same, similar or additional objections or partial responses to the individual requests does not  
9 waive any of Defendants’ General Objections.

10 1. Defendants object to each Interrogatory, Definition, or Instruction to the extent it  
11 seeks or purports to impose obligations beyond or inconsistent with those imposed by the Federal  
12 Rules of Civil Procedure or the applicable rules and orders of this Court.

13 2. Nothing in these responses is an admission by Defendants of the existence,  
14 relevance, or admissibility of any information, for any purpose. Defendants reserve all objections  
15 as to competency, relevance, materiality, privilege, or admissibility related to the use of its  
16 responses and any document or thing identified in its responses as evidence for any purpose  
17 whatsoever in any subsequent proceeding in this trial or any other action.

18 3. Defendants object to each Interrogatory to the extent it seeks information not  
19 within Defendants’ possession, custody, or control and not kept by Defendants in their ordinary  
20 course of business. Defendants will provide only relevant, non-privileged information that is  
21 within its present possession, custody, or control and available after a reasonable investigation.

22 4. Defendants object to these Interrogatories insofar as they purport to require  
23 Defendants to search for information beyond that which is available after a reasonable search as it  
24 relates to this case and the limited scope of discovery at this stage.

25 5. Defendants object to each Interrogatory to the extent that it is not limited in time.  
26 Defendants will produce information from a reasonable time period as it relates to this case.

27 6. Defendants object to each Interrogatory to the extent it seeks a response from  
28 persons or entities who are not parties to the lawsuit and over whom Defendants have no control.

1 Defendants respond to the Interrogatories on Defendants’ own behalf.

2 7. To the extent any Interrogatory, Instruction, or Definition may be construed as  
3 calling for disclosure of information subject to the attorney-client privilege, work product  
4 immunity, joint defense or common interest, or any other applicable privilege or protection,  
5 Defendants hereby claim such privileges and immunities and object on such grounds. Defendants  
6 do not waive, intentionally or otherwise, any attorney-client privilege, work-product immunity,  
7 joint defense or common-interest privilege or any other privilege, immunity, or other protection  
8 that may be asserted to protect information from disclosure.

9 8. Although Defendants have diligently complied with their discovery obligations at  
10 this stage, their investigations in connection with this litigation are continuing. These responses  
11 are limited to information obtained to date and are given without prejudice to Defendants’ right to  
12 amend or supplement their responses after considering information obtained through further  
13 discovery or investigation.

14 Subject to and without waiving its General Objections, Uber objects and responds to the  
15 Interrogatories as follows:

16 **SPECIFIC OBJECTIONS AND RESPONSES**

17 **INTERROGATORY NO. 1:**

18 IDENTIFY the locations and custody of all known copies of THE DOWNLOADED  
19 MATERIALS, or any documents describing THE DOWNLOADED MATERIALS. If any of the  
20 copies have [*sic*] no longer exist, explain DEFENDANTS’ full knowledge as to the destruction.

21 **RESPONSE TO INTERROGATORY NO. 1:**

22 Defendants object to this interrogatory because it implicates information protected by the  
23 attorney-client privilege, the work-product doctrine, and the common-interest and joint-defense  
24 privileges. Defendants further object to this interrogatory as vague and ambiguous because of its  
25 use of the phrase “THE DOWNLOADED MATERIALS,” which, although a capitalized term, is  
26 nevertheless an undefined term in Waymo’s first set of expedited interrogatories. Defendants  
27 therefore will construe that phrase as it is defined by the Court’s May 11, 2017 Order Granting in  
28 Part and Denying in Part Plaintiff’s Motion for Provisional Relief. (ECF No. 426, at 22.)

1 Defendants further object to the extent this interrogatory calls for information beyond  
2 Defendants’ possession, custody, or control. Defendants further object because Interrogatory  
3 No. 1 is actually two discrete interrogatories, not one.

4 Subject to and without waiving the general and specific objections above, Defendants  
5 respond as follows:

6 As Waymo knows, Defendants have conducted a diligent and extensive search of their  
7 files, servers, and systems (including Mr. Levandowski’s Uber-issued computer) and have  
8 discovered no Downloaded Materials in any such files, servers, or systems. Defendants are not  
9 now, and have not been, in possession of any Downloaded Materials. Uber directed Mr.  
10 Levandowski to return allegedly downloaded files (if any) in his possession and to instruct every  
11 person that he has reason to believe may be in possession to do the same; however, to date, he has  
12 not complied and has therefore been terminated.

13 Prior to the Uber acquisition of Ottomotto, the lawyers representing Uber and Ottomotto,  
14 acting on behalf of Uber and Ottomotto, retained the forensics firm Stroz Friedberg LLC  
15 (“Stroz”) to undertake an investigation in anticipation of possible litigation, and for the purposes  
16 of providing Uber and Ottomotto with facts needed to obtain legal advice. Uber and Ottomotto  
17 therefore have asserted privilege over that investigation and object to this interrogatory to the  
18 extent it seeks to obtain information about what information may be in Stroz’s possession.

19 On or about March 11, 2016, Mr. Levandowski reported to Mr. Kalanick, Nina Qi and  
20 Cameron Poetzsch at Uber as well as Lior Ron that he had identified five discs in his possession  
21 containing Google information. Mr. Kalanick conveyed to Mr. Levandowski in response that Mr.  
22 Levandowski should not bring any Google information into Uber and that Uber did not want any  
23 Google information. Shortly thereafter, Mr. Levandowski communicated to Uber that he had  
24 destroyed the discs. Uber never received those discs, and does not know whether those discs  
25 contained any of the “DOWNLOADED MATERIALS.”

26 **INTERROGATORY NO. 2:**

27 IDENTIFY all Diligenced Employees and the date(s) they became Diligenced Employees  
28 (as that term is used in the OTTOMOTTO MERGER AGREEMENT).

1 Dated: June 5, 2017

MORRISON & FOERSTER LLP

2  
3 By: /s/ Arturo J. González  
ARTURO J. GONZÁLEZ

4 Attorneys for Defendants  
5 UBER TECHNOLOGIES, INC.  
and OTTOMOTTO LLC  
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HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY

VERIFICATION

I, Eric Meyhofer, declare:

1. I am Head of ATG for Defendant Uber Technologies, Inc. (“Uber”) in the above-captioned action, and I am authorized to execute this verification on behalf of Uber and Ottomotto LLC.

2. I have read Defendants Uber Technologies, Inc. and Ottomotto LLC’s Responses to Waymo’s First Set of Expedited Interrogatories (the “Responses”), and know the contents thereof.

3. I am informed and believe that the matters stated in the Responses are true and correct and, on that ground, allege that the matters stated therein are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 5th day of June, 2017, at Pittsburgh, Pennsylvania.



Eric Meyhofer